

May 06, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
DEPUTY CLERK

CHRISTOPHER D. LUMPKIN,)	
Petitioner,)	Civil Action No. 7:25-cv-00147
)	
v.)	
)	By: Elizabeth K. Dillon
COMMONWEALTH OF VIRGINIA,)	Chief United States District Judge
Respondent.)	

MEMORANDUM OPINION AND ORDER

The petitioner, Christopher D. Lumpkin, filed this 28 U.S.C. § 2254 action on January 21, 2025. The action was filed in the Eastern District of Virginia and then transferred to this district on March 4. (Dkt. No. 4.)

Lumpkin's petition challenges his convictions and four life sentences in the Circuit Court for the City of Danville for forcible sodomy of a child under the age of thirteen, object sexual penetration of a child under the age of thirteen, and aggravated sexual battery of a child under the age of thirteen. Case Nos. CR20000741, 743, 745, 746, 747, 748 (Danville Cir. Ct.). Lumpkin previously filed a separate § 2254 petition challenging the same convictions that are currently pending in this court. Case No. 7:24-cv-00860 (W.D. Va.) Accordingly, the instant action will be dismissed without prejudice as a duplicative action. *See, e.g., Dickerson v. Warden, Broad River Corr. Inst.*, Case No. 2:20-cv-03177-JMC-MGB, 2020 WL 9596012, at *1 (D.S.C. Dec. 4, 2020) (recommending summary dismissal of a § 2254 petition because it was "duplicative of a habeas petition already pending before this court" and that the court give "appropriate consideration" to petitioner's claims in the separate action).

Accordingly, it is HEREBY ORDERED that petitioner is GRANTED leave to proceed *in forma pauperis*. It is FURTHER ORDERED that this action is DISMISSED without prejudice.

Finding that petitioner has not made a substantial showing of the deprivation of a constitutional right, 28 U.S.C. § 2253(c)(2), the court DECLINES to issue a certificate of appealability. The Clerk is directed to STRIKE this matter from the active docket of the court and to transmit a copy of this memorandum opinion and order to petitioner.

Entered: May 6, 2025.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
Chief United States District Judge